

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.6, the Environmental Protection Commission hereby amends Chapter 1, "Operation of Environmental Protection Commission," Iowa Administrative Code.

The amendment modifies the voting requirements for the Commission. Under the amendment, for official action by the Commission the requisite number of Commissioners varies depending on the number of Commissioners currently appointed by the Governor. The amendment provides that four votes are sufficient to take action when there are only seven appointed members.

From late November 2007 until very recently, the Commission has had only seven appointed members from a statutory total of nine members. Because of the number of votes required to take action, these two vacancies have resulted in delayed Agency action, gridlock, and stalemate, with the minority at times deciding an issue. The Commission wishes to adopt an amendment to provide that four votes are sufficient to take action when there are only seven appointed members. This amendment is authorized by Iowa Code section 455A.6(5), which allows the Commission to determine by rule the number of votes required to take action when a quorum is present.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 2, 2008, as **ARC 6922B**. In addition, this amendment was simultaneously Adopted and Filed Emergency as **ARC 6921B**. One oral comment was received at the public hearing on July 22, 2008. No changes have been made to the amendment as set forth in the Notice of Intended Action.

This amendment is intended to implement Iowa Code section 455A.6.

This amendment shall become effective October 15, 2008, at which time the Adopted and Filed Emergency amendment is hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this amendment [1.6] is being omitted. This amendment is identical to that published under Notice as **ARC 6922B** and Adopted and Filed Emergency as **ARC 6921B**, IAB 7/2/08.

[Filed 8/20/08, effective 10/15/08]

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[For replacement pages for IAC, see IAC Supplement 9/10/08.]